

**IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>Sharon Schmid</b>	:	Case No.3:05-CV-01660
<b>Plaintiff</b>	:	
	:	
<b>vs.</b>	:	(Honorable Thomas M. Blewitt)
	:	
<b>Borton-Lawson Engineering,</b>	:	
<b>Inc., et. al</b>	:	<b>JURY TRIAL DEMANDED</b>
<b>Defendants</b>	:	<b>Electronically Filed</b>

**MOTION TO COMPEL AND FOR SANCTIONS  
AGAINST DEFENDANT DELANEY**

Plaintiff Sharon Schmid, by and through her attorney George R. Barron, Esq., hereby moves this Court for an Order compelling defendant Delaney to respond to discovery requests and/or for sanctions, and in support thereof, avers as follows

1. On August 24, 2007, counsel for plaintiff served defendant Delaney with Plaintiff's Second Request for the Production of Documents Addressed to Defendant Beth Ann Delaney, which included requests for certain tax returns and information.

2. On September 11, 2007 counsel for defendant Delaney requested a telephonic discovery conference with regard to production of the tax return information.

3. On September 25, 2007, a telephonic conference regarding production of the tax information was held.

4. On September 27, 2007 this Court entered an Order requiring defendant Delaney to produce the requested tax return information within 10 days. (Docket # 85). That Order stated, *inter alia*:

IT IS HEREBY ORDERED THAT, within 10 days of the date of this Order, Defendant Delaney, shall produce the following requested documents to Plaintiff:

3. All federal and state tax returns, as well as all schedules, 1099 forms, W-2 forms and other documents filed by you for each year from 2001 to 2006.

4. All federal and state tax returns, as well as all schedules, 1099 forms, W-2 forms and other documents filed by any entity of which you are an officer or partner, including, but not limited to Signet Health Solutions, for each year from 2001 to 2006.

5. On October 5, 2007, defendant Delaney filed a Motion to Reconsider regarding the tax information.

6. On October 17, 2007, this Court held a telephonic discovery conference regarding, *inter alia*, defendant Delaney's Motion to Reconsider.

7. On October 17, 2007, this Court issued an Order denying defendant Delaney's Motion to Reconsider and again ordering defendant

Delaney to produce the requested documents. (Docket # 98). That Order stated, inter alia:

Within ten (10) days of the October 27, 2007 Order, Defendant Delaney shall produce the following requested documents to Plaintiff:

3. All federal and state tax returns, as well as all schedules, 1099 forms, W-2 forms and other documents filed by you for each year from 2001 to 2006.

4. All federal and state tax returns, as well as all schedules, 1099 forms, W-2 forms and other documents filed by any entity of which you are an officer or partner, including, but not limited to Signet Health Solutions, for each year from 2001 to 2006.

8. On October 22, defendant Delaney served Objections and Responses to Plaintiff's Second Request for the Production of Documents Addressed to Defendant Beth Ann Delaney and some documents upon counsel for plaintiff. Defendant Delaney's Objections and Responses are attached hereto as Exhibit "A", the documents produced are attached hereto as Exhibit "B".

9. Defendant Delaney failed to produce any documents for 2001. For 2002 to 2006, she failed to produce any state tax returns, and also failed to produce W-2 forms and Schedule D forms. In addition she failed to

produce the second page of the 1040 and Schedule C forms filed for 2002 to 2006.

10. On October 25, 2007, counsel for plaintiff notified counsel for defendant Delaney of the missing and incomplete documents and requested that the missing documents be produced via email, a copy of which is attached as Exhibit "C".

11. On October 25, 2007, Attorneys O'Donnell and Conrad responded to the request of plaintiff's counsel via email, copies of which are attached hereto as Exhibits "D" and "E", respectively.

12. As of the date of this Motion, defendant Delaney has failed to produce the requested documents as directed by this Court's Orders.

WHEREFORE, plaintiff respectfully requests that this Honorable Court strike the Answer of defendant Delaney and enter judgment in favor of plaintiff, or, in the alternative, issue another Order directing the defendant Delaney produce the requested documents and awarding plaintiff attorney's fees incurred as a result of defendant Delaney's failure to comply with prior Orders.

Respectfully Submitted,

S/ George R. Barron  
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